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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

CAROLINE C. PEREZ and MARIA
T. PEREZ, individually and on
behalf of all others
similarly situated,

09-CV-1194-AC

ORDER

Plaintiffs,

v.

DEL MONTE FRESH PRODUCE N.A.,
INC., a Florida Foreign
Business Corporation,

Defendant.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and
Recommendation (#22) on January 21, 2010, in which he recommended
the Court grant Plaintiffs' Motion (#11) to Remand and deny

Plaintiffs' request for attorneys' fees. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In its Objections, Defendant reiterates the arguments in its Memorandum in Opposition to Plaintiffs' Motion to Remand. This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#22) and, accordingly, **GRANTS** Plaintiffs' Motion (#11) to Remand and **DENIES** Plaintiffs' request for attorneys'

fees.

IT IS SO ORDERED.

DATED this 1st day of April, 2010.


ANNA J. BROWN
United States District Judge